

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6223**

**BILL NUMBER:** HB 1917

**NOTE PREPARED:** Jan 11, 2003

**BILL AMENDED:**

**SUBJECT:** Racially Based Traffic Stops.

**FIRST AUTHOR:** Rep. Smith V

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill requires the compilation of data concerning traffic stops, including the race of a driver stopped by a law enforcement officer. It provides that the data may not be used in a legal proceeding to establish an inference of discrimination. The bill requires a law enforcement agency to prohibit racial profiling and to provide sensitivity training. It authorizes the establishment of, or the use of existing, local civilian review boards to investigate allegations of misconduct by law enforcement officers.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** The tables below show the estimated increase in expenditures for the State Police.

<b>Personnel</b>	<b>Annual Salary</b>	<b>Fringe Benefits</b>	<b>Total Annual Compensation</b>
Data Processing Entry (25)	\$17,082	\$11,350	\$28,432 x 25 = \$710,800
Program Coordinator (1)	\$19,136	\$11,854	<u>\$30,990</u>
Total Annual Compensation			\$741,790

Necessary hardware, operating system and software upgrade	\$1,400,000*
26 desktop computers for above employees	<u>\$46,880</u>
Total software computers	\$1,446,880

Increased annual expenses could total approximately \$742,000 after a first-year start-up cost of approximately \$2.189 M. The funds affected are the state General Fund (approximately 47.9%, or \$1.048 M), the Motor Vehicle Highway Account (approximately 47.9%, or \$1.048 M), and the Motor Carrier Regulation Fund (approximately 4.2%, or \$91,921). These funds support the operation of the State Police.

\*\$850,000 software development  
 \$200,000 software maintenance  
\$350,000 server and hardware infrastructure  
 \$1,400,000

By way of comparison, the LSA undertook a major property tax project for the General Assembly. The cost for the server and software amounted to approximately \$23,000, while the personnel costs totaled approximately \$104,377. The LSA server and software will handle about 300 gigabytes of information. A gigabyte is one billion bytes.]

Under current Indiana law, the State Police Department is not required to collect, maintain, and report data concerning the ethnicity of an individual who is stopped in violation of a motor vehicle statute or ordinance. In accordance with this bill, the State Police would be required to do so on a continual basis.

Specifically, the State Police would be required to: (1) regularly collect and compile various data; (2) regularly submit the data to the Attorney General; and (3) adopt a policy on racially based traffic stops including items ranging from a prohibition against the practice of routinely stopping members of minority groups to a requirement that officers receive sensitivity training regarding the prohibition against racial profiling.

*Attorney General-* The Attorney General would experience an indeterminable increase in administrative expenses regarding the provisions of this bill. Expenses could possibly result from additional staff, computer reprogramming, and equipment.

Under current Indiana law, the Attorney General is not required to analyze and report findings of racially based traffic stops. In accordance with this bill, the Attorney General would be required to do so on an annual basis.

Specifically, the Attorney General would be required to determine the format for law enforcement agencies to report data as well as submit annual reports to the Governor, the Legislative Services Agency, and to each law enforcement agency in the state. Reports would include items ranging from the total number of vehicles stopped by law enforcement agencies to the number and percentage of vehicles stopped that were driven by members of a minority group.

*Use of Data-* Compiled data could not be utilized in order to establish an inference of discrimination on the basis of particular identifying characteristics in legal or administrative proceedings. In addition, all compiled data would include only information that would not inadvertently reveal the identity of an individual stopped for a traffic violation and would only be used for research and statistical purposes.

The funds and resources required above could be supplied through a variety of sources, including the following: (1)

existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; and (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified. The Staffing Table for December 30, 2002, revealed that the State Police had 293 vacancies, with annual salaries totaling \$7,675,422.

Other sources to fund additional staff could originate from funds that otherwise would be reverted or from new appropriations. (The State Police reverted \$8.2 M to the state General Fund and \$23.1 M to dedicated funds for FY 2002. The Attorney General reverted \$163,279 to the state General Fund for FY 2002.)

Ultimately, the source of funds and resources required to satisfy the requirements of this bill would depend upon legislative and administrative actions. Funding for the Indiana State Police originates from the State General Fund, the Motor Vehicle Highway Account, and the Motor Carrier Regulation Fund. The fund affected for the Attorney General is the state General Fund.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Law enforcement agencies could experience an increase in administrative expenses similar to those of the State Police. The specific effects would vary by agency.

**Explanation of Local Revenues:**

**State Agencies Affected:** Office of the Attorney General; Indiana State Police.

**Local Agencies Affected:** Local Law Enforcement Agencies.

**Information Sources:** Steve Hillman, Indiana State Police, 232-8204; Les Miller, Special Counsel to the Superintendent of the State Police, 232-8317.

**Fiscal Analyst:** James Sperlik, 317-232-9866.